

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by OCEAN CITY)	DOCKET NO. 900215-WU
UTILITIES, INC. for amendment to)	
Certificate No. 509-W in Flagler)	ORDER NO. 24182
County, Florida)	
_____)	ISSUED: 3-1-91

ORDER AMENDING CERTIFICATE NO. 509-W
TO INCLUDE ADDITIONAL TERRITORY

BY THE COMMISSION:

Background

On February 20, 1990, Ocean City Utilities, Inc. (Ocean City) gave notice of its intent to apply for an extension of its authorized service territory, as reflected by Certificate No. 509-W. On March 20, 1990, Beverly Beach Enterprises d/b/a Beverly Beach Surfside Utilities (Beverly Beach) objected to Ocean City's notice. Docket No. 900215-WU was opened in order to process Beverly Beach's objection. Ocean City filed its application on May 17, 1990.

On May 1, 1990, Beverly Beach gave notice of its application for an extension of its authorized service territory, as reflected by Certificate No. 457-W. On May 14, 1990, Ocean City objected to Beverly Beach's notice. Docket No. 900345-WU was opened in order to process Ocean City's objection.

Since Dockets Nos. 900215-WU and 900345-WU involved primarily the same factual situation, on June 25, 1990, the cases were referred, together, to the Division of Administrative Hearings (DOAH).

During the pendency of this proceeding, Ocean City and Beverly Beach came to a resolution of their dispute, by Ocean City's purchase of Beverly Beach. On August 30, 1990, Ocean City and Beverly Beach filed a joint motion for DOAH to remand the cases back to this Commission. By DOAH Order issued September 5, 1990, these cases were remanded back to this Commission. On October 8, 1990, Beverly Beach withdrew its application for amendment, as well as its objection to Ocean City's application.

DOCUMENT NUMBER-DATE

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Application for Amendment

Ocean City's application is in compliance with Section 367.045, Florida Statutes, as well as Rules 25-30.030 through 25-30.045, Florida Administrative Code. In particular, its notarized application contains:

- 1) A check in the amount of \$150 which, upon calculation, equates to the correct filing fee as prescribed by Rule 25-30.020, Florida Administrative Code;
- 2) Maps depicting the service territory and utility system, as well as a territorial description, as required by Rule 25-30.030, Florida Administrative Code. The territory description is appended to this Order as Attachment A;
- 3) Evidence that Ocean City owns the land upon which its facilities are located, as required by Rule 25-30.035, Florida Administrative Code; and
- 4) Proof that notice of the application was provided to all interested governmental and regulatory agencies, and all utilities within a four-mile radius of the territory, as well as proof of advertisement in a newspaper of general circulation in Flagler County, as required by Rule 25-30.030, Florida Administrative Code.

Ocean City was originally certificated in 1988, and renders water service by reverse osmosis. Its originally approved service territory was a three-mile strip of beach between the Atlantic Ocean and the Intracoastal Waterway. As noted in the background section of this Order, Ocean City has recently expanded its service territory through the purchase of Beverly Beach. The territory requested in this docket runs approximately one mile south past the former Beverly Beach territory, and includes both existing residences in need of a central water system as well as undeveloped land.

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Ocean City has the capacity to serve the requested territory. Ocean City's president is a certified water plant operator, and the utility has demonstrated its financial and technical capability by extending lines, expanding treatment plant, and providing adequate service to its present customer base. Since service is provided through reverse osmosis, which is a cost-intensive method of treatment, expanding Ocean City's service territory should result in lowered operating costs per equivalent residential connection. Further, service is needed in the requested territory and Ocean City is the only utility available to serve it.

Upon consideration of the above, we find that it is in the public interest to grant Ocean City's application for extension. Ocean City shall, therefore, file revised tariff pages to reflect the additional territory granted, and return its certificate to this Commission so that an appropriate entry can be made thereon, within thirty days of the date of this Order.

Rates and Charges

In accordance with Rule 25-9.004, Florida Administrative Code, Ocean City shall apply its presently approved rates, customer deposits, and service availability and miscellaneous service charges to customers within the territory granted herein.

It is, therefore,

ORDERED by the Florida Public Service Commission that the application of Ocean City Utilities, Inc., for the territory depicted in Attachment A to this Order, is hereby granted. It is further

ORDERED that Ocean City Utilities, Inc. shall file revised tariff pages to reflect the territory granted herein within thirty (30) days of the date of this Order. It is further

ORDERED that Ocean City Utilities, Inc. shall return Certificate No. 509-W to this Commission within thirty (30) days of the date of this Order so that an appropriate entry can be made to reflect the additional territory granted herein. It is further

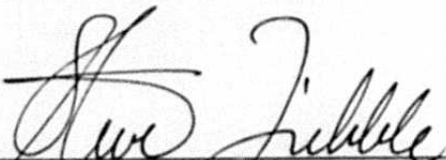
ORDERED that, in accordance with Rule 25-9.004, Florida Administrative Code, Ocean City Utilities, Inc. shall only charge

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its approved rates and charges to customers within the additional territory granted herein. It is further

ORDERED that Docket No. 900215-WU be and is hereby closed.

By ORDER of the Florida Public Service Commission, this
1st day of MARCH, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

A parcel of land being part of Government Lot 1, Section 36, Government Lot 1, Section 35, and Government Lots 5, 6, and 10, Section 26, Township 11 South, Range 31 East, Flagler County, Florida and being more particularly described as follows:

Beginning at the intersection of the South line of said Government Lot 1, Section 35, with the Easterly right-of-way line of the Florida Intracoastal Waterway (500 foot right-of-way) and as recorded in Map Book 4, Pages 13 and 14, Public Records of Flagler County, Florida; thence run Northwesterly along the said Easterly right-of-way line of the Florida Intracoastal Waterway to a point of intersection with the Northerly line of said Government Lot 6 and Government Lot 5, Section 26, to the Mean High Water Line of the Atlantic Ocean (elevation 2.30 above Mean Sea Level, N.G.V.D.); thence Southeasterly along the said Mean High Water Line to the intersection with the Easterly projection of the Southerly line of said Government Lot 1, Section 35; thence Westerly along the Southerly projection of Government Lot 1, Section 35 to the intersection with the Easterly right-of-way line of said Florida Intracoastal Waterway to the Point of Beginning.

AND FURTHER DESCRIBED AS;

Commencing at the N.W. corner of Section 35 Township 11S Range 31E Flagler County Florida. Thence, South along the West line of Section 35 to the S.W. corner of the North Half of the N.W. Quarter of Section 35. Thence, East along the South line of the North Half of the N.W. Quarter of Section 35 for a distance of 3300 Ft+ to the Point of Beginning. Thence, approximately N 18 30 00 W along the Easterly right of way line of the Florida Intracoastal Waterway for 4750 Ft+. Thence, approximately S 89 00 00 E for a distance of 1700 Ft+ to the Atlantic Ocean. Thence, approximately S 69 00 00 E along the waterline of the Atlantic Ocean for a distance of 4990 Ft+. Thence, run due West for 1950 Ft+ to the Easterly right of way line of said Intracoastal Waterway and the Point of Beginning of the description.